

REMARKS

Claims 4-12 and 16 are pending. Claims 4-12 and 16 are rejected. Claim 4 has been amended.

The Statutory Double Patenting rejection has been withdrawn.

Claims 4-12 and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8, 9, 15-17 and 19 of co-pending Application Serial No. 09/981,206 and claims 4 and 7-12 of U.S. Patent No. 6,183,726 and of U.S. Patent No. 6,180,086.

CLAIM REJECTIONS - OBVIOUS TYPE DOUBLE PATENTING

Claims 4-12, 16, and 17 are provisionally rejected under obviousness-type double patenting over claims 8, 9, 15-17, and 19 of co-pending Application Serial No. 09/981,206.

The filing date of the above co-pending Application is October 17, 2001 which is later than that of the present application. In addition, applicants are filing a Terminal Disclaimer to U.S. Patent No. 6,183,726 and U.S. Patent No. 6,180,086, both of which have filing dates of January 18, 2000. For these reasons, applicants respectfully request that the provisional rejection be withdrawn.

Claims 4, 5, and 7-12 are rejected under obviousness-type double patenting over claims 4 and 7-12 of U.S. Patent No. 6,183,726 and over claims 4 and 7-12 of U.S. Patent No. 6,180,086.

Applicants have filed a Terminal Disclaimer with the present Amendment over claims 4 and 7-12 of U.S. Patent No. 6,183,726 and over claims 4 and 7-12 of

U.S. Patent No. 6,180,086 to overcome the nonstatutory double patenting rejection and thus request the rejections be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claim 4-12 and 16 are rejected under 35 U.S.C. §112 as indefinite.

Applicants have amended claim 4 to remove therapeutic from line one and inserted "imaging" after "diagnostic" as suggested by the Examiner and request that the rejection be withdrawn.

CONCLUSION

For the foregoing reasons, applicants submit that the claims are in complete condition for allowance, and a Notice of Allowance is respectfully requested. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact applicants' undersigned representative with any questions.

Please charge Deposit Account No. 23-3000 for the RCE fee in the amount of \$770, the disclaimer fee in the amount of \$110, and for any fee deficiencies.

Respectfully submitted,

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